

Application No: 10/022,027
Atty. Docket No. 8711RR
Response to Notice of Non-Compliant Amendment filed March 15, 2007
Customer No. 27752

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REMARKS

I. Introduction.

Claims 22, 23, and 25-30 are pending. Claims 22, 23, and 29 have been amended to further clarify the invention.

II. The 35 U.S.C. §112 Rejection.

Without admitting that the specification as originally filed does not provide support for "consisting essentially of", Applicants have amended 29 to further clarify the invention and have shown the deleted subject matter discussed in the Office Action Dated August 8, 2006.

III. The 35 U.S.C. §103(a) Rejection.

Claims 22-23 and 25-26 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over U.S. Patent No. 6,569,261 to Aubay *et al.* ("Aubay") in combination with U.S. Patent No. 3,658,590 to Huebner *et al.* ("Huebner"). Applicants respectfully traverse.

Applicants respectfully submit that the combination of Aubay and Huebner does not disclose or suggest, among other elements, a spraying device as amended. At best, Huebner discloses an apparatus mounted in a filling station bay. As there is no disclosure or suggestion of a spraying device, Applicants submit that the rejection under 35 U.S.C. §103(a) has been overcome.

Claims 27-30 were rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over Aubay in combination with Yeiser and Chura. Applicants respectfully traverse the rejection.

MPEP §706.02(j) states that for an obviousness rejection an Office Action should state:

- (A) the relevant teachings of the prior art relied upon, preferably with reference to the relevant column or page number(s) and line number(s) where appropriate,
- (B) the difference or differences in the claim over the applied reference(s),
- (C) the proposed modification of the applied reference(s) necessary to arrive at the claimed subject matter, and

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(D) an explanation why one of ordinary skill in the art at the time the invention was made would have been motivated to make the proposed modification.

First, as discussed by Phil Vinson in his declaration of January 21, 2004, one of skill in the art would not combine Yeiser with references such as Aubay as Yeiser discusses a solution that leaves the surface of a vehicle hydrophobic. MPEP §2143.01 states if proposed modification would render the prior art invention being modified unsatisfactory for its intended purpose, then there is no suggestion or motivation to make the proposed modification. In re Gordon, 733 F.2d 900, 221 USPQ 1125 (Fed. Cir. 1984). MPEP §2143.01 further states if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. In re Ratti, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). Applicants have resubmitted Dr. Vinson's declaration for the Examiner's review.

Applicants respectfully submit that the combination of Aubay, Yeiser and Chura does not disclose or suggest the amended steps. Chura, at best, allegedly discloses a double barrel sprayer for applying a diluted product such as a diluted cleaning solution to a surface for cleaning thereof and rinsing the diluted product from the surface by spraying a water-only rinse onto the surface. There is no disclosure or suggestion of a valve system having settings for a washing step, a unpurified water rinsing step, and a purified water rinsing step. As there is no disclosure or suggestion of a valve system having settings for a washing step, a unpurified water rinsing step, and a purified water rinsing step, Applicants submit that the rejection under 35 U.S.C. §103(a) has been overcome.

With regard to all claims not specifically mentioned, these are believed to be allowable not only in view of their dependency on their respective base claims and any intervening claims, but also for the totality of features recited therein.

All claims are believed to be in condition for allowance. Should the Examiner disagree, Applicants respectfully invite the Examiner to contact the undersigned attorney for Applicants to arrange for a telephonic interview in an effort to expedite the prosecution of this matter.

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IV. Conclusion.

In view of the foregoing amendments and accompanying remarks, reconsideration of the application and allowance of all claims are respectfully requested. Should any fee be required, please charge such fee to Procter & Gamble Deposit Account No. 16-2480.

Respectfully submitted,
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